United Nations S/PV.6981

Security Council

Sixty-eighth year

Provisional

6981st meeting
Tuesday, 18 June 2013, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Mr. Oyarzábal
	Australia	Mr. Bliss
	Azerbaijan	Mr. Sharifov
	China	Ms. Jiang Hua
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Erroja
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Sul Kyung-hoon
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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13-36649 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Council will hear briefings by Mr. Tarek Mitri and Mr. Eugene-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Mitri.

Mr. Mitri: On 8 June, Benghazi witnessed a tragic event that caused a considerable loss of life, the greatest loss of life in eastern Libya since the revolution. What started as a peaceful demonstration outside the barracks of an armed brigade in the city deteriorated into an exchange of fire that left many dead and wounded, mostly demonstrators. The protesters were calling for the Libya Shield Brigades, which mainly comprise revolutionary formations under the operational control of the Chief of General Staff of the Libyan Army, to be dismantled and for the army and police to be entrusted with the role of exclusive security forces.

The Libyan authorities took swift action in the wake of that incident and transfered control of several brigade barracks in Benghazi to the Libyan Army. The General National Congress issued its Decision No. 53, which charges the Government with the task of dealing with armed groups that remain outside the control of the State and with immediately presenting a proposal for the integration of armed brigades. The Government responded promptly with a decision to proceed with the establishment of a national guard into which armed brigades would be integrated, but differences on the status of revolutionary brigades and their relationship with the State remain unresolved. The security situation in Benghazi deteriorated again on 15 June. In what appeared to be retaliation for the events of 8 June, gunmen attacked an army base and the National Security Directorate. A number of Special Forces troops were killed. The United Nations Support Mission in Libya (UNSMIL) firmly condemned those attacks, as well as the previous ones, and called on all Libyans to rally around their legitimate institutions.

I would like to briefly touch on the unilateral declaration by the transitional council of Barqa-Cyrenaica on 1 June of a federal region in eastern Libya. The leadership of the transitional council of Barqa have justified this move by what they perceive as the central Government's failure to address security and governance issues in their region. While it is difficult to gauge popular support for federalism in the eastern and southern regions of Libya, the calls for genuine decentralization and better distribution of national resources cannot be ignored. It may not be coincidental, therefore, that the Prime Minister announced, on 5 June, the decision to relocate the headquarters of four major State-owned companies from Tripoli to Benghazi.

When I last briefed the Council in March (see S/PV.6934), I noted a growing polarization on the Libyan political scene, manifested in divisions over a proposed law on political isolation, which demanded the exclusion from public office of persons associated with the former regime and others who had committed human rights violations. Commencing on 28 April, a number of revolutionary groups laid siege to several Government ministries in an attempt to force through the adoption of that law. Those actions had been preceded in March with the storming of the General National Congress and assaults on some members of Congress, including a shooting incident that targeted then-President El-Magariaf. That escalation in the pressure being exerted set a dangerous precedent of the resort to the use of military force in order to extract political concessions.

Be that as it may, the political isolation law was adopted on 5 May. It will have far-reaching repercussions on the political process and on public administration. The law lists a wide range of political, administrative and other posts and defines types of affiliation and conduct as a basis for the exclusion of individuals from public life for 10 years. Proposals that the law include provisions for exempting persons on the basis of their support for the revolution were rejected.

Despite his distinguished record in active opposition to the Al-Qadhafi regime over three decades, Mohamed El-Magariaf was excluded from office pursuant to that law. He chose to resign as President of the General National Congress on 28 May. I would like to take this opportunity to pay tribute to Mr. El-Magariaf's leadership of the Congress since its inception and to express my appreciation and gratitude for his support to the United Nations role in Libya and his confidence in UNSMIL, and in me personally, since I took up my duties as Special Representative of the Secretary-General. We also owe him a word of praise and respect for his dignified statesmanship as he distanced himself from the Libyan political scene.

Written advice was provided to the General National Congress on international standards, best practices and potential risks of exclusionary measures. I must say that the law as approved falls short of those standards in a number of areas.

In the context of Libya's transition and the legacy of weak State institutions, the implementation of the law risks further weakening of those institutions. On 5 June, the day the law came into force, many prosecutors and judges went on strike in protest at some of the provisions of the law that they believed would affect them.

Those developments demonstrate the urgency of adopting a transitional justice law anchored in truth-seeking, accountability and reparations. A draft law is currently being considered by the General National Congress and UNSMIL continues to advise on its scope and implementation.

In addition, UNSMIL stands ready to assist Libyan authorities in the technical aspects of conducting investigations and trials as part of the transitional justice process. That is particularly significant in the context of the recent decision by the International Criminal Court Pre-Trial Chamber regarding Saif Al-Islam Al-Qadhafi. That decision is the subject of a Libyan appeal. We shall also continue to affirm the importance of cooperation by the Libyan authorities with the International Criminal Court.

Following initial encouragement from the Government and requests from revolutionaries of diverse persuasions, I initiated a series of discussions to facilitate direct talks between the two sides. We stand ready to continue to provide our good offices.

The political and security challenges that now face the country may well be the legacy of decades of authoritarian rule, dysfunctional State institutions and confusion around political norms. That reality invites a national political dialogue that seeks consensus on the priorities for the transitional period — a message that I have conveyed repeatedly to the Libyan authorities. UNSMIL has already provided the Government and the leadership of the General National Congress with advice on issues and modalities for a national political dialogue.

In our conversations with various actors, we also touched on the perceived, as well as the desired, role of the United Nations in Libya. That was all the more necessary in the light of the unanticipated controversy regarding that role following the adoption of resolution 2095 (2013), in March 2013. The controversy surfaced concomitantly with the national political crisis. There were voices that cast doubts on the intentions of the international community and attributed to the United Nations an interventionist design. The fact that resolution 2095 (2013) was adopted under Chapter VII of the Charter of the United Nations raised further misunderstanding, suspicion and even disquiet. On the other extreme of the political spectrum, there were voices calling for a more robust United Nations presence and reminding Libyans, or warning them, that Chapter VII indicated the gravity of international concern. In such a context, we had to concentrate our efforts on dispelling misperceptions, as well as false expectations that were fueled by a formidable flow of disinformation.

In preparation for the election of the constitution-drafting assembly, the United Nations facilitated discussions between a wide range of Libyan decision- and opinion-makers on issues such as electoral systems, voter registration and, most importantly, the participation of women. Through those discussions, Libyans of various political hues recognized the importance of designing a fair, inclusive and credible process. Offering technical advice and drawing on best practices, including the July 2012 national elections in Libya itself, UNSMIL also highlighted the significance of adopting special measures aimed at enhancing women's participation in the constitution-drafting assembly. In the forthcoming period, civic education and facilitation of debates on constitutional issues will have to be a priority.

Conflict-related detentions remain mostly unchanged since I last briefed the Council. An estimated 7,000-8,000 detainees are still waiting to be charged or released. The process of transferring detainees to the authority of the State is slow. In Bani Walid, the scene of armed conflict in October, unanswered questions continue to surround the cases of bodies handed over from Misrata in April. In a number of detention centres, we have observed cases of torture. There is also evidence of deaths in custody due to torture. UNSMIL has consistently emphasized that extrajudicial killing and torture should not be tolerated in Libya, particularly by those who were victims of injustice and repression under the Al-Qadhafi regime. The national consensus on the centrality of promoting human rights should not allow any justification of such violations.

We continue to work closely with the Ministry of Justice and various prison authorities to improve the prison situation. There have been varying degrees of success, mainly in providing decent medical care to inmates. Some legislative initiatives taken in April are commendable. The General National Congress passed a law criminalizing torture, forced disappearances and discrimination, and another clarifying the jurisdiction of the civilian and military justice systems and abolishing military courts' jurisdiction over civilians. We also welcome the introduction of a new bill intended to provide assistance to women who are victims of sexual violence.

UNSMIL remains concerned about the situation of migrants in Libya. The conditions inside those centres remain deplorable. We will continue to offer humanitarian support to such vulnerable groups and to urge the Government and local authorities to address problems effectively and with full respect for the dignity and rights of immigrants.

The plight of internally displaced persons, some 35,000 Tawergha as well thousands of Mashashiya and others, continues to be a major concern. The unilateral announcement by Tawergha community leaders of their intention to return to their hometown on 25 June is a move fraught with risks. While in principle UNSMIL continues to support the Tawergha right of return to their homes in safety and dignity, it is essential that all parties concerned create acceptable conditions for the exercise of that right. To that end, we have intensified our efforts, emphasizing the need to establish a fact-finding mechanism integral to transitional justice.

Border security remains a clear priority for Libya, its neighbours and the wider international community. Recent developments in the Sahel region underscore the importance of effective border security and management. Despite official pronouncements by the Libyan authorities, severe capacity limitations have led to little practical progress to date. Government efforts to address border security require the development of a comprehensive national strategy, addressing the issues of integrating revolutionaries, improving inter-agency coordination, training, operational effectiveness and infrastructure in the southern border region. Libya will also need to engage further in dialogue with its neighbours and international partners. Parallel to that effort, more is expected from the Government regarding accelerating the implementation of development projects in the south, a region whose communities have suffered from marginalization far too long. Prime Minister Zeidan recently visited the south and made promises to move forward in reconstruction and development.

The ongoing weak state of security sector institutions, coupled with a lack of effective national security coordination, continues to be an issue at a time when security incidents throughout the country have grown in number and scale. Progress on Libya's plan agreed on at the international ministerial conference in Paris in February this year has stalled, in part because of the political crisis that has since ensued. In April, we presented a defence white paper to the Minister of Defence and the Chief of the General Staff for their consideration. That joint effort of the Ministry of Defence, the Libyan Armed Forces and UNSMIL includes 52 recommendations for a future Libyan defence strategy and 18 immediate priorities.

The Libyan State's ability to fully assert its authority over the south continues to be limited. We believe that the Libyan authorities still have the opportunity to step up efforts to effectively counter threats emanating from there. The support and assistance of Libya's international partners and the cooperation of its regional neighbours will be crucial to that effort. More broadly, we have learned from our experience in Libya over the past 20 months that a piecemeal approach to State-building is not a way to achieve good results, particularly in the security sector, where the needs are huge and immediate.

The risks in Libya should not be underestimated, and, by the same token, the opportunities should not be overlooked. Judging by the speed with which last year's

elections to the General National Congress took place, so soon after the cessation of hostilities, we might be forgiven for thinking that the road to democracy was as simple as it appeared then. As important as those elections may have been in ushering in the beginnings of a new political process and the building of legitimate State institutions, for the foreseeable future the Libyan people will continue to endure the heavy legacy bequeathed to them over decades of brutal rule. Managing the transition is therefore bound to be difficult, perhaps more difficult than we thought a year ago.

The mood in Libya today may have changed since I last briefed the Council in March (see S/PV.6934). Despite the gravity of some of the security and political developments that have taken place over the course of the past three months, Libyans have not lost confidence. Many of them remain unwavering in asserting the principles that underpinned their revolution and their desire to build a modern and democratic State based on the separation of powers, respect for human rights and the rule of law.

The President: I thank Mr. Mitri for his briefing.

I now give the floor to Ambassador Gasana.

Mr. Gasana (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by the same resolution. The report covers the period from 15 March to 18 June 2013, during which time the members of the Committee met once in informal consultations.

In my last briefing to the Council (see S/PV.6934), I reported on the final report of the Panel of Experts (S/2012/163, annex) and that the Committee had agreed to take follow-up action on five recommendations of the Panel. This follow-up action consisted of the following. On 20 March, the Committee updated the entry concerning Mr. Abdullah Al-Senussi on its list of individuals and entities subject to the travel ban and/or asset freeze. This corresponded to recommendation 7 of the final report of the Panel.

On 1 April, the Committee sent a note verbale to all Member States encouraging them to give due consideration to the submission of designation proposals to the Committee relating to entities or individuals who are found to have been assisting in any way with the finances of entities or individuals already designated under the assets freeze measures. This corresponded to recommendation 8 of the final report of the Panel.

On 3 April, the Committee wrote a letter to the Libyan Government requesting confirmation of the possible establishment of a focal point structure through which all security assistance procurement should be channelled, as well as concerning additional procedures in relation to storing, recording and distributing arms and related materiel. This corresponded to recommendations 1 and 2 of the final report of the Panel.

On 6 June, the Charge d'affaires of the Permanent Mission of Libya to the United Nations informed the Committee that the Libyan Government had decided to designate the Military Procurement Department in the Libyan Ministry of Defence, in addition to the Permanent Mission of Libya to the United Nations in New York, as an authorized focal point.

Also during the reporting period, the Committee took steps towards concluding an agreement with INTERPOL concerning INTERPOL-United Nations Security Council Special Notices, which is expected to enter into force in the coming weeks. This corresponded to recommendation 5 of the final report of the Panel.

In informal consultations on 6 May, the Committee received an update from the reappointed members of the Panel of Experts. The Panel reported on a visit to Libya, during which the Panel had noted a positive attitude towards the modified sanctions regime. The Panel had also met the Chief of General Staff of the Libyan Army, who confirmed that a focal point for security assistance had been established in the Ministry of Defence. The Panel further reported on a visit to northern Mali, during which the Panel inspected arms and ammunition seized from armed groups in the areas of Gao and Adrar des Ifoghas, some of which clearly originated from Libya.

In informal consultations on 6 May, the Committee noted the reported relocation of two individuals subject to a travel ban, Mohammed Muammar Al-Qadhafi and Aisha Muammar Al-Qadhafi, together with other family members, from Algeria to the Sultanate of Oman. The Committee noted that the relocations had not taken place in accordance with the exemption procedures established in resolutions 1970 (2011) and 1973 (2011) and directed the Panel of Experts to investigate the matter.

Subsequent correspondence between the Panel of Experts and the Sultanate of Oman and, on 5 June, a letter to the Committee from the Permanent Representative of Algeria to the United Nations confirmed that two listed individuals, Mohammed Muammar Al-Qadhafi and Aisha Muammar Al-Qadhafi, together with other family members, had relocated to the Sultanate of Oman.

Lastly, let me provide some updated statistics on the issues dealt with by the Committee since the last periodic report to the Council. In relation to the arms embargo, the Committee approved six exemption requests and received two notifications on which no negative decision was taken. With respect to the assets freeze, the Committee received five notifications on which no negative decision was taken. Also during the reporting period, the Committee received an inspection report from a Member State pursuant to paragraph 13 of resolution 1970 (2011) and paragraph 15 of resolution 1973 (2011), relating to the arms embargo measure.

The President: I thank Ambassador Gasana for his briefing.

There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.